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Dear Members of the Housing Committee:

I live in Newington, Connecticut and work in Middletown.

I am writing today urging the committee to take no action on House Bill 5373.

In my professional capacity working as a staff attorney on a legal services hotline over the last twelve years, I have probably talked to thousands of low-income tenants. The only tenants who will always have written leases are those in subsidized housing, either public housing run by housing authorities, project-based section 8, or private housing with a tenant-based voucher, because it is required by the rules of the program. Tenants in other housing may or may not have a written lease, and in the landlord-tenant relationship they are not the ones in the relationship with the power and control to determine whether their lease is in writing - the landlords are in sole control. I have, many times, talked to tenants who have signed leases but never received a copy from their landlords.

The bill states that no occupant of a rented dwelling unit is a tenant unless they are listed as a tenant on the rental agreement or a dependent of a tenant listed on the rental agreement. Anyone else living there is a "guest." This would be a huge change in the law, costing many tenants their long-established rights.

This bill attempts to solve a tenant-guest issue by putting it into the landlord-tenant framework in a way that does not fit. A guest is a person invited in on a short-term, temporary basis. A written agreement just isn't the essential factor. Short-term guests in a hotel can be named in a written agreement but that will not by itself make them residents (although under some circumstances they may be residents). The written agreement just isn't the real test.

The bill also has other consequences, because a person who is a guest can be locked out at will, with no notice or explanation and no chance to dispute their status, and may also be subject to arrest. In effect, this is a legalized lockout. I have seen the pain, disruption, and loss that occurs when occupants are illegally locked out. Because this bill uses a definition of residence that is so narrow, it will impose these harms on the very people that the law has long protected. I can easily imagine the owners of roominghouses and boarding houses using this bill to claim that all their tenants are just "guests," can be locked out at will, and can be arrested if they object. This is also likely to have a caseload impact on local police departments and the criminal courts.

I hope that you will not approve this bill.